

Entered - 09/06/00 - sb
CL00L0529 - DIANNE C. MITCHELL

CLAIM OF: **DEBORAH KAREN PASCHAL**
2216 Polar Rock Avenue, SW
Atlanta, Georgia 30315

For damages alleged to have been sustained as a result of property damage due to sewer back ups at 641 Erin Avenue, SW occurring between 1997 and July, 2000.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **DEBORAH KAREN PASCHAL** the sum of **\$1,351.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of property damage due to sewer back ups at 641 Erin Avenue, SW occurring between 1997 and July, 2000 as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: Rosalind Rubens Newell by RRG/DA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0529

Date: November 15, 2000

Claimant /Victim DEBORAH KAREN PASCHAL

BY: (Atty) (Ins. Co.) _____

Address: 2216 Polar Rock Avenue, SW, Atlanta, Georgia 30315

Subrogation: _____ Claim for Property damage \$ 1,351.00 Bodily Injury \$ _____

Date of Notice: 08/22/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1997 through July, 2000 Place: 641 Erin Avenue, SW, Apt. 3

Department Public Works Division: Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant's personal property was damaged due to several occurrences of sewer back ups. The sewer back ups were determined to have been the result of a broken sewer line which the City has been on notice of since April 28, 2000. The most recent sewer back up in July, 2000 caused the damages the claimant is seeking recovery for in this claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures X Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____


Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

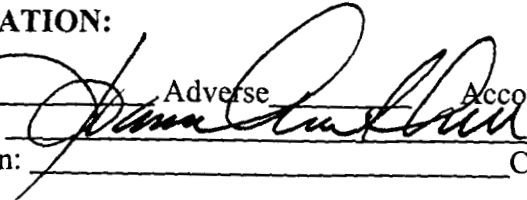
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,351.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 11-15-00

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date:

Mitchell
09/05/00

July 15, 2000

Dear Municipal Clerk:

ENTERED - 9-6-00 - SB

00L0529 - DIANNE MITCHELL

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ _____ property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: _____ 2. Time of Incident: _____ 3. Police called: _____
(month/day/year) Yes No
4. Location of incident (including street address): 641 Erin Ave S.W. #3 Atlanta, 30310
5. Name of your insurance company: none Policy No. _____
6. State what and how incident occurred: On several occasions from 12-97 thru 7-00 my apartment has been flooded and carpeting, ~~furniture~~ furniture, clothing, shoes, towels blankets have been ~~seriously~~ ~~and~~ seriously water ->
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL ^{Please see} ~~attach~~ ^{attach} ~~RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!~~

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Mrs Deborah K. Paschal
Signature of Claimant

new address

2216 Polar Rock Ave S.W.
Atlanta, GA
30315

Deborah Karen Paschal
(Print Claimant's Name)

641 Erin Ave S.W. #3
(Address)

Atlanta, GA 30310
(City, State and Zip Code)

404-622-3823
(Work Number) (Home Number)

damaged because just outside of my back door is a storm drain that overflows when ever it rains. Water backs up under my toilet into my bathtub. From my bathroom floor water flows freely into my bathroom floor into my childrens bedroom, into my hallway and my bedroom. Water penetrates the outer exterior wall of my apartment wetting up every part of the floor of my childrens bedroom. Due to the floors getting wet so often shoes, clothes, furniture and carpeting have been ruined. Because of the smell of the carpet that's wet I have had to move out of my apartment for a few days a couple of time because my children, ages 4 & 5 have asthma and the smells were making them sick, so when the flooding was so bad that it was not going to dry in a day or so I would move out for a few days.

On your claim form you are asking for the date of the incident, there have been so many times in the last 2 1/2 years that I don't have specific date, but

you can check with your office of Sewers, Mr. Lorenzo Calaban's office should have dates and times of these incidents for I have called his office every time the flooding occurs. Mr. Jose from the same office has viewed the damage in person. I have also told Mr. Carl Williams about the flooding. Please ~~contact~~ contact them for dates and times at 404-658-7305.

You are also asking for a \$ figure on the damages.

2 Four drawer dressers	\$219. ⁰⁰
1 clothes chest	97. ⁰⁰
10 heavy quilts	280. ⁰⁰
12 large bath towels	108. ⁰⁰
3 sets of bathroom floor mats + rugs	60. ⁰⁰
1 hover vacuum cleaner	87. ⁰⁰
boys + girls clothes + shoes	500. ⁰⁰
carpet for my children's room, hallway + part of my bedroom, bathroom floor tile	

Above I have listed the items that were lost and damaged. I don't know the cost of the carpeting, you may contact Mr. Curtis Arthurson at 185 Bromack Dr. S.E., Atlanta, 30315 404-627-0930, he is the owner

of the apartments at 641 Erin Ave S.W.
Mr. Artherton will be able to give you
the cost of replacing the carpet.

If you have any questions please
contact me Deborah K. Paschal
at 404-622-3823.

Sincerely

Deborah K. Paschal

00- K -1914